

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

GREGORY VILLEGAS

Date of Original Judgment: 7/10/2017
(Or Date of Last Amended Judgment)

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 2:13-cr-00355-GMN-CWH-1

USM Number: 48291-048

Wendi L. Overmyer, AFPD

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Superseding Indictment (ECF No. 217)

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §§ 1343 and	Conspiracy to Commit Wire Fraud in Connection	7/23/2014	1s
2326(1) and (2)(A)	with Telemarketing		

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____
☒ Count(s) all remaining ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/20/2022

Date of Imposition of Judgment

Signature of Judge

Gloria M. Navarro, Judge U.S. District Court

Name and Title of Judge

December 20, 2022

Date

DEFENDANT: GREGORY VILLEGAS
CASE NUMBER: 2:13-cr-00355-GMN-CWH-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of :

78 MONTHS.

- ☒ The court makes the following recommendations to the Bureau of Prisons:
The Court recommends the defendant be allowed to serve his term of incarceration at either (in order of preference) 1) Oahu, Hawaii to be near family or 2) Lompoc, California for available programming and accommodations (camp setting).
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____ .
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____ .
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: GREGORY VILLEGAS

CASE NUMBER: 2:13-cr-00355-GMN-CWH-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

THREE (3) YEARS.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually..
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. § 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: GREGORY VILLEGAS

CASE NUMBER: 2:13-cr-00355-GMN-CWH-1

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the specific risks posed by your criminal record and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the specific risks posed by your criminal record.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: GREGORY VILLEGAS

CASE NUMBER: 2:13-cr-00355-GMN-CWH-1

SPECIAL CONDITIONS OF SUPERVISION

1. Victim-Witness Prohibition - You shall not have contact, directly or indirectly, with any victim or witness in this instant offense, unless under the supervision of the probation officer.
2. No Contact with Specific Person(s) - The defendant shall have no contact, directly or indirectly, associate with, or knowingly be within 500 feet of any codefendant/coconspirator, their residence, business, or place of employment. Furthermore, if confronted by a codefendant/coconspirator in a public place, the defendant shall immediately remove himself from the area.
3. Employment Restriction - You shall be restricted from engaging in employment, consulting, or any association with any with any loan or grant business for a period of three years.
4. Debt Obligations - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
5. Access to Financial Information - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
6. Gambling Prohibition - You must not engage in any form of gambling (including, but not limited to, lotteries, on-line wagering, sports betting) and you must not enter any casino or other establishment where gambling is the primary purpose (e.g., horse race tracks, off-track betting establishments).
7. True Name - You shall use your true name at all times and will be prohibited from the use of any aliases, false dates of birth, social security numbers, places of birth, and any other pertinent demographic information.

DEFENDANT: GREGORY VILLEGAS

CASE NUMBER: 2:13-cr-00355-GMN-CWH-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 100.00	\$ 5,908,726.38	\$ N/A	\$ N/A	\$ N/A

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
SEALED RESTITUTION LIST		\$5,908,726.38	
ATTACHED			

TOTALS	\$ _____	0.00	\$ _____	5,908,726.38
---------------	----------	------	----------	--------------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☒ the interest requirement is waived for ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: GREGORY VILLEGAS
CASE NUMBER: 2:13-cr-00355-GMN-CWH-1

SCHEDULE OF PAYMENTS

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- It is recommended that any unpaid balance due and owing by defendant shall be paid at a rate of not less than \$250.00 per quarter during defendant’s incarceration. Upon commencement of defendant’s supervision, payments shall be paid at a rate of 10% of any gross income earned, subject to adjustment by the Court based upon defendant’s ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate.
2:13-cr-355-GMN-CWH with Christine Gagnon & Mickey Gines	\$5,908,726.38	\$5,908,726.38	see Restitution List

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant’s interest in the following property to the United States:
Final Order of Forfeiture attached.***

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY VILLEGAS,
a.k.a. Ray Matsui,
a.k.a. Ray Mathis,
a.k.a. John Thames,
a.k.a. Thomas Rasmus,
a.k.a. Jacob Bailey

Defendant.

2:13-CR-355-GMN-CWH

Final Order of Forfeiture

This Court finds Gregory Villegas, a.k.a. Ray Matsui, a.k.a. Ray Mathis, a.k.a. John Thames, a.k.a. Thomas Rasmus, a.k.a. Jacob Bailey, pled guilty to Count 1 of a 35-Count Superseding Criminal Indictment charging him with conspiracy to commit wire fraud in connection with telemarketing in violation of 18 U.S.C. §§ 1343, 1349, and 2326(1). Superseding Criminal Indictment, ECF No. 217; Bill of Particulars for Forfeiture of Property, ECF No. 226; Plea Agreement, ECF No. 296; Change of Plea, ECF No. 297.

The in personam criminal forfeiture money judgment is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to violations of 18 U.S.C. § 1343, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B); and 18 U.S.C. § 1349, conspiracy to commit such offense; and (2) any real or personal property constituting, derived from, or traceable to the gross proceeds obtained directly or indirectly as a result of violations of 18 U.S.C. § 1343 or 18 U.S.C. § 1349, conspiracy to commit such offense, and is subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(8)(B), and 21 U.S.C. § 853(p).

This Court finds that Gregory Villegas, a.k.a. Ray Matsui, a.k.a. Ray Mathis, a.k.a. John Thames, a.k.a. Thomas Rasmus, a.k.a. Jacob Bailey, shall pay an in personam

1 criminal forfeiture money judgment of \$5,261,218 to the United States of America, not to be
 2 held jointly and severally liable with any codefendants and the collected money judgment
 3 amount between the codefendants is not to exceed \$5,261,218 to Fed. R. Crim. P. 32.2(b)(1)
 4 and (b)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(8)(B); 21
 5 U.S.C. § 853(p); and forfeiture law.

6 This Court finds that on the government's motion, the Court may at any time enter
 7 an order of forfeiture or amend an existing order of forfeiture to include subsequently located
 8 property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
 9 32.2(b)(2)(C).

10 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
 11 *United States*, 137 S. Ct. 1626 (2017); *United States v. Thompson*, 990 F.3d 680 (9th Cir. 2021);
 12 *United States v. Prasad*, 18 F.4th 313, 321 (9th Cir. 2021).

13 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
 14 the United States recover from Gregory Villegas, a.k.a. Ray Matsui, a.k.a. Ray Mathis,
 15 a.k.a. John Thames, a.k.a. Thomas Rasmus, a.k.a. Jacob Bailey, the in personam criminal
 16 forfeiture money judgment of \$5,261,218, not to be held jointly and severally liable with any
 17 codefendants and the collected money judgment amount between the codefendants is not to
 18 exceed \$5,261,218 under Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); 18 U.S.C. §
 19 981(a)(1)(C) with 28 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(8)(B); 21 U.S.C. § 853(p); and
 20 forfeiture law.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
 22 copies of this Order to all counsel of record and three certified copies to the United States
 23 Attorney's Office, Attention Asset Forfeiture Unit.

24 DATED December 13, 2022.

25
 26 
 27 GLORIA M. NAVARRO
 28 UNITED STATES DISTRICT JUDGE